

ORDINANCE NO. 136 (as amended)

AN ORDINANCE RESTRICTING THE PLACEMENT AND USE OF PORTABLE  
TOILETS WITHIN THE CITY LIMITS OF UNIVERSITY HEIGHTS AND  
PROVIDING PENALTIES

SECTION 1. PURPOSE.

The purpose of this ordinance is to preserve and protect the rights, privileges, and property of the City of University Heights and its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the residents of University Heights.

SECTION 2. PORTABLE TOILETS PROHIBITED.

- A. No person shall display, maintain, utilize, possess, store, place, keep, or permit to be displayed, maintained, utilized, possessed, stored, placed, or kept, any portable toilet within the city limits of the City of University Heights, Iowa.
- B. Nor shall any person, company, business, enterprise or other entity engaged in renting, leasing, chartering, or otherwise providing portable toilets display, maintain, utilize, possess, store, place, keep, or permit to be displayed, maintained, utilized, possessed, stored, placed, or kept, any portable toilet within the city limits of the City of University Heights, Iowa.

SECTION 3. EXEMPTIONS.

The following are exempt from this ordinance:

- A. **Portable toilets in residential and commercial zones.**  
Portable toilets on any property in an R-1 or R-3 Residential Zone (R-1 or R-3) when The University of Iowa plays football games in Kinnick Stadium so long as they comply with the following restrictions and regulations:
  - 1. **Portable toilets not visible from the front street.**
    - a. For purposes of this section, "not visible from the front street" means hidden from view behind foliage, a Dwelling, Garage, Accessory Structure, Garden Structure, Shed, Play

Structure, as those terms are defined in the City Zoning Ordinance (No. 79) or such other structure or any other building or structure that complies with the City Zoning Ordinance and City Building Codes (Ordinance 192).

- b. Portable toilets not visible from the front street may be placed no earlier than 8:00 a.m. on the Thursday immediately before the first football game of the season and must be removed no later than seventy-two (72) hours following the last game of the season.
- c. Portable toilets placed pursuant to this section must be cleaned and serviced no later than 5:00 p.m. on the Sunday immediately following each game.
- d. Failure to comply with the placement, visibility, service, cleaning, access, and removal requirements of this section shall constitute a violation of this ordinance.

2. **Portable toilets visible from the front street.**

- a. Portable toilets visible from the front street may be placed no earlier than 8:00 a.m. Friday before the game and must be removed from the property no later than 5:00 p.m. on the Sunday immediately following the game.
- b. Failure to comply with the placement and removal requirements of this section shall constitute a violation of this ordinance.

3. **Restrictions on access.** Portable toilets placed pursuant to this section shall only be accessible for use and used on game days and shall be secured or locked on non-game days to prevent the access and use of such toilets.

B. **Portable toilets in business or commercial zone.**

Portable toilets on any property within the B Business Zone or in a C Commercial Zone when The University of Iowa plays football games in Kinnick Stadium so long as they comply with the following restrictions and regulations:

1. Portable toilets may be placed no earlier than 8:00 a.m. on the Thursday immediately before the first football game of the season and must be removed no later than seventy-two (72) hours following the last game of the season.
2. Portable toilets placed pursuant to this section must be cleaned and serviced no later than 5:00 p.m. on the Sunday immediately following each game.
3. Portable toilets placed pursuant to this section shall only be accessible for use and used on game days and shall be secured or locked on non-game days to prevent the access and use of such toilets.
4. Property owners shall make best reasonable efforts to ensure portable toilets are not visible from public streets.
5. Failure to comply with the timing of placement, service, cleaning, access, and removal requirements of this section shall constitute a violation of this ordinance.

C. **Construction activities.**

Any portable toilet(s) reasonably necessary to accommodate construction being performed pursuant to a valid building permit, provided the portable toilet(s) are cleaned and serviced once a week. This exemption applies only to portable toilets used by persons performing construction at the time such persons are actually performing construction. Portable toilets placed pursuant to this section shall only be accessible for use and used when persons performing construction are actually performing construction and shall be secured or locked at all other times. Failure to comply with the service, cleaning, and access requirements of this section shall constitute a violation of this ordinance.

SECTION 4. PRIOR EXCEPTIONS VOIDED

Any prior exception to the requirement that portable toilets be located so they are not visible from City streets granted to a property owner by the City Council is null and void upon the passing of this ordinance and shall not transfer to subsequent owners of the property.

SECTION 5. ENFORCEMENT AND PENALTIES FOR VIOLATION.

Any violation of this code may be cited as a municipal infraction. The University Heights City Clerk, the Clerk's duly authorized agent, and any officer, including reserve officers, of the University Heights Police Department is authorized to enforce this code and may issue a civil citation to any property owner who violates any section or provision of this code. Each day the violation occurs shall constitute a separate violation of this ordinance and each portable toilet shall constitute a separate violation of this ordinance. A violation of this code is punishable by a civil penalty of \$50.00 per portable toilet per day.

SECTION 6. SAVINGS CLAUSE.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

SECTION 8. REPEALER.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 17th day of August, 2004, and approved this 17th day of August, 2004.

    /S/      
Gloria Jacobson, Mayor

ATTEST:     /S/      
Jerry Musser, City Clerk

\*The original ordinance is on file with the University Heights City Attorney.

Ordinance No. 160, amending Sections 2, 3 and 4 was passed and approved the 14<sup>th</sup> day of August, 2007 and published in the Iowa City Press Citizen September 7, 2007. The amendment added Section 2(B), and amended Section 3(B) requiring that toilets must not be placed earlier than 8:00 a.m. on the Friday before the first game of the season and must be removed by the Monday immediately after the last game of the season. It also states that a portable toilet must not be visible from city streets and must be cleaned and serviced before 5:00 p.m. on the Sunday immediately following each game. Section 3(B) added the same language. Section 4 states any violations may be cited as a municipal infraction with a civil penalty of \$250.00 for the first offense and \$500.00 for repeat offenses.

Ordinance No. 163, amending Section 3(A) was passed and approved the 11<sup>th</sup> day of September, 2007 and published in the Iowa City Press Citizen the 15<sup>th</sup> day of September, 2007. The amendment changed the days the toilets may be placed in residential and commercial zones to Thursday immediately before the first game of the season and must be removed on the Monday immediately following the last game of the season.

Ordinance No. 172, amending Section 3(A) and adding a new Section 4 was passed and approved the 8<sup>th</sup> day of September, 2009. The amendment added exceptions to the requirement that portable toilets not be visible from the City streets.

Ordinance No. 228, was passed and approved the 21<sup>st</sup> day of August, 2018 and published in the Iowa City Press Citizen the 29<sup>th</sup> day of August, 2018. Ordinance No. 228 made many changes, including these: deleting the threshold that a property must park at least 15 cars to place a portable toilet (now, any property may place a portable toilet); making a distinction for portable toilets in Residential Zones between those that are visible from "the front street" and those that are not; defining "not visible from the front street;" providing that those not visible may remain throughout the football season but those visible must be removed by 5:00 p.m. Sunday following each game; providing that, whether visible or not, portable toilets must be cleaned and serviced by the Sunday following each game and must be locked on non-game days; and providing that in Business and Commercial Zones, portable toilets may remain throughout the football season but must be cleaned and serviced by the Sunday following each game and must be locked on non-game days; directing that property owners take their best reasonable efforts to place the portable toilets so they are not visible from public streets; providing that portable toilets placed as part of construction projects may only be used by those performing such work and must be locked at other times; and changing the civil penalty for violations from \$250.00 to \$50.00 but providing that the penalty is assessed "per portable toilet per day."